

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	NO. 1:00-CR-106
)	
v.)	(JUDGE KANE)
)	
RODNEY J. MILLER,)	
)	
Defendant.)	(ELECTRONICALLY FILED)

UNITED STATES' OPPOSITION TO DEFENDANT'S
MOTION FOR RETURN OF PROPERTY/EVIDENCE

COMES NOW the United States of America, by and through its attorneys, Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, and James T. Clancy, Assistant United States Attorney, and respectfully files this opposition to defendant's Motion for Return of Property/Evidence.

As the defendant notes, the United States never had custody of the firearms seized from his residence pursuant to a Pennsylvania search warrant. Accordingly, as defendant also notes, albeit for another reason, the United States does not have jurisdiction over those items. Nor does this court. Therefore, the defendant's Motion should be denied.¹

¹The defendant wishes to attempt to have the firearms seized from his residence transferred to the custody of a relative. The procedure for doing so,

Respectfully submitted,

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which is governed by federal firearms regulations, is one in which the defendant must engage with the Pennsylvania State Police. The United States will contact the Pennsylvania State Police and defendant's counsel about that procedure, but whether he is able to accomplish his goal is not within the control of the United States or this court.

CERTIFICATE OF SERVICE

In accordance with Local Rule 7.2, I hereby certify that I served a copy of the foregoing pleading on the defendant by first-class mail at the address listed on his brief:

Rodney Miller
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Respectfully submitted,

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